

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

AMERICAN BANK & TRUST COMPANY

PLAINTIFF

vs.

Civil Action No. 3:06-cv-256 HTW-JCS

TODD PHILLIPS INVESTMENTS, INC.,
and JAMES TODD PHILLIPS

DEFENDANTS

**JUDGMENT DISMISSING ACTION
BY REASON OF BANKRUPTCY PENDING**

The court has received notice of bankruptcy proceedings instituted by defendant Todd Phillips Investments, Inc. Therefore, it is not necessary that this action remain upon the pending docket of this court.

IT IS, THEREFORE, ORDERED that this action is dismissed without prejudice, and the court retains complete jurisdiction to vacate this order and to reopen the action upon motion of the parties advising that the bankruptcy proceedings have been closed and that further litigation in this court is necessary.

SO ORDERED AND ADJUDGED, this the 31st day of October, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE